

Rev. 5/2017 Prisoner Complaint

United States District Court
~~Eastern District of North Carolina~~
~~Western Division~~

Northern District Mississippi

Case No. _____

(To be filled out by Clerk's Office only)

FILED

10/07/2020

ID CREWS, CLERK

Deputy

Brooks Corey Gladney

(In the space above enter the full name(s) of the plaintiff(s).)

Inmate Number **4920**

Case No.: 1:20-cv-00203

COMPLAINT

(Pro Se Prisoner)

-against-

LEE County

Jury Demand?

☒ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

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I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

Brooks Corey Gladney
Name

4920
Prisoner ID #

LEE County
Place of Detention

510. N. Commerce St.
Institutional Address

Tupelo
City

MS
State

38804
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☒ Pretrial detainee ☒ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

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IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

Lee County

Name

Current Job Title

Current Work Address

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 2:

Name

Current Job Title

Current Work Address

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

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Defendant(s) Continued

Defendant 3:

Name

Current Job Title

Current Work Address

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

Defendant 4:

Name

Current Job Title

Current Work Address

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

V. STATEMENT OF CLAIMPlace(s) of occurrence: Lee County JailDate(s) of occurrence: 1/29/20 to present Date

State which of your federal constitutional or federal statutory rights have been violated:

14th Amendment and 1st Amendment, 8th Amendment

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

1st The Tupelo-Lee County Jail is responsible for our safe keeping. But they are housing inmates that have tested positive for the Covid-19 virus with inmates that have not contracted the virus. And are currently being quarantined together for 14-plus days, and was also 3 months late past the Federal mandate passing and mask, which defeated the general purpose of being quarantined. We were first tested on Sept. 14th 2020 and the results were given on Sept. 17-2020. And then over 1/2 of the 200-plus inmates tested

positive. And cause of this situation I have been under extreme stress and depression while here and in fear of my health.

2nd

Food is below. Recommended Daily Supplemental Intake of 2200 Calories, they disperse 602 portions when 302 is suppose to be the standard

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What
happened
to you?

Amount, that is Clearly a Violation of our Constitutional Rights, and this has lead to extreme Weight loss, and lack of Energy! Which is Cruel and Unusual punishment

3RD

When did it
happen to
you?

The environment which we are Housed is not environmentally Clean, and need to be Sanitized for the Safety of inmates, because my Health is At Risk. The toilets and sinks constantly over Flow and Back up, which has often lead to Staph Infection of certain inmates. And the only Water available to Consume is From the Sink that is Connected to the Toilet! Which is Filthy and the water is not fit for Human Consumption.

But we are left Confined to drink this Water, and use to Cook with!

And they only Spray for Bugs and other pest every 2 months, and then the surrounding are not properly Ventilated for our Safety!

4th

Where did it
happen to
you?

The front Holding Cell have people Sleeping all on the floor and is constantly over crowded. The Holding cell is not fit to House inmates that are waiting to be Booked in and processed in. The cell is Built to house 10+ 12 Inmates, But as many as 25 plus are constantly being Housed at any given time, with only one toilet in a 16x12 that has no place to Sleep and, You are not able to make your one phone Call, Because you have to use a

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What was
your
injury?

Wall phone, that is only able to make collect calls to the person that has money on it to except collect calls.

The Constitution clearly states that you are suppose to have a lawyer present if desired to help you obtain the best legal counseling available, But how is it possible when you are not able to contact one. Due to you not being able to make the necessary phone call to the proper person, for your needed help.
5th

This Facility is notorious for holding excessive bond recipients, which is clearly a violation of ones Constitutional right to a Reasonable Bond as granted by the Court System making it nearly impossible to make, which is already understood to the Accused! Without the Presence of a lawyer.
6th

And we do not have medical staff present here at the Lee County Jail at all times. When it clearly states in the law that we must consist of a Full-time physician or nurse / qualified paramedics in case of emergency medical care, it must be available "on a twenty-four hour basis, seven days a week" and that a member of the medical staff be present at the jail "at all times", but we don't have any here on the weekend at all, or at any time after 6pm through out the weekdays neither which is a problem here in the Jail.

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VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed? ☒ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I'm requesting Compensatory damages in the amount
of \$10,000,000 against each defendant, jointly and severally.
And punitive damages in the amount of \$5,000,000 against
each defendant

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has “on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. §1915(g).

☐ Yes ☒ No

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

9/23/20
Dated

Brooks C. Gladney
Plaintiff's Signature

Brooks Corey Gladney
Printed Name

4920
Prison Identification #

510 N. Commerce St. Tupelo MS 38804
Prison Address City State Zip Code

Exhibits of Claims Of Infectious Disease's In Lee County Jail

Pg. 1

Sept. 9/22/20

Because of the like of Interest and Concern
Within the Lee-County Adult Jail in Tallahassee,
The Jail Failed to Adhere to the CDC
Federal guideline established to control and
prevent the spread of the Covid-19 virus.
And because of their failure to check for
infections in new inmates, combined with
overcrowding. The Disease infested the Jail
and when brought to the attention of the Journal
it was simply too late. The infection was widespread
throughout the Jail house. And when we were
tested at least 1/2 of the 200-plus inmates
were positive. When issued Mask From local
Mandates it was simply too late. Then the
following infected inmates were put in General
population, with the NON-infected inmates and
Quarantined together for 14-plus days. Spreading
the infection of the Covid-19 virus at a Rampid
Speed throughout the Jail. And was kept Hidden
From the General Public. F Lee-County Miss.
This issue should be addressed at once, because
this is a matter of Life or Death. Then when
the results were given on the 17th of Sept. the
Jail Nurse and the Doctor, clearly stated that
it's OK, and it's not going to kill us. But it's
over 2,700 people already dead. And over
90,000 infected.

Exhibit B

This is clearly is a Violation of my
 14th Amendment rights as stated is the
 case of Morales Feliciano v. Rossello Gonzalez
 13 F Supp. 2D 151, 210 C.D. P.R., 18 USC, 3142(F) 1998
 15th Amendment States (Public Health Risk) violation
 concerning High Risk of infection involving
 Covid-19 and any other infectious disease etc.
 Here is a list of the inmates Names that are
 currently being Quarantined together here on
 the zone with me:

Respectfully Submitted By:

Lee County Jail
C-pod

Brooks C. Gladney

Positive for Covid 19

Derick Collier

Chris Bennett

L. B. Rogers

Anthony Gates I.D.

Pharmacology File

Vannari Jackson

Jonathan Parker

Negative for Covid 19

Gerald Blackmon

Cory Bailey

Anthony Gray

Samuel Johnson

Brooks Corey Gladney

DAVALON FORD

Marcus Woods

Jonathan Estep

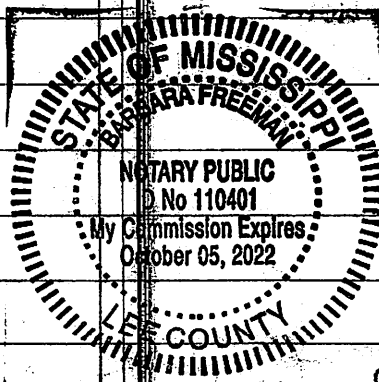
Kasey Parks

Trey Carpenter

Damon Hayes

M. Garcia

Charles Ruppert



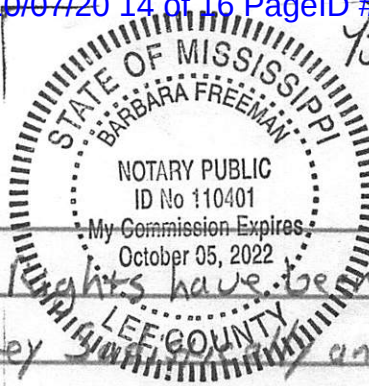
Brooks Corey Gladney

Barbara Freeman

Notary

Bobby Thompson

EXHIBIT

Barbara Freeman
Notary

Sept. 9/22/20

pg 3 Brotha Bob

I feel as if my Constitutional rights have been violated by the Lee County Jail, that they and Maliciously exposed me to Covid-19. By having me housed around sick inmates that tested positive for Covid-19 violating my 14th Amendment Asking for a Civil Law Suit of the Lee County Jail under 42 USC. 1983 and suing them for involving me in the unnecessary and wanton infliction of pain. Stress and depression are linked to mental health issues dealing with Covid-19, lack of sleep along with no appetite. Lee County Jail has not properly screened me for the Covid-19, I been locked up since Jan. 29, 2020 and their just now given me a test in Sept 14, 2020. And they Failed to properly to give us social distancing measures, their are currently 8 infected inmates housed with me and the nurse and the Lee County Staff know this. Their response was that its OK, I dont want to become a statistic of the Covid-19 and something bad happens with my health. They waited till half of the inmate population was infected to issue out face mask which was also on Sept. 14, 2020. They have Staff members that are not properly trained for Medical emergency situations to help stop the spread of Covid-19 in the Lee County Jail. Concerns about Contracting Covid-19 outweighed by Fear of personal exposure more than public spread amplified depression, caused me to have sleep loss etc. cause I gotta live in here daily with the infected Simply Lee County Jail did not address the outbreak of Covid-19 with the sense of urgency that the situation requires, when in fact the Sheriff Jim Johnson got on TV and said that they, the Lee County Jail had the Situation under control. Respectfully Submitted

R. D. Johnson

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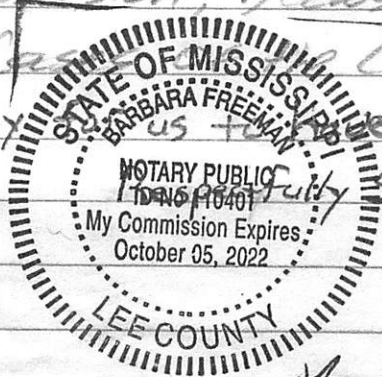
Sept. 4/22/20

They just partook in given out Mask to us to cover our faces. After almost 3 months of Federal and State Mandates to wear Daily. They were given out and we were tested on Sept. 14 2020 And chances are that we were already exposed to the Covid-19 virus sometime in the past 2+3 months, prior.

And they have us Quarantined with the inmates that have tested positive for Covid-19, so who is to say that we are not infected now also! No Secondary test has been administered as of yet. That defeats the purpose of checking to see, who is positive for the virus!

And I am innocent until proven guilty, and under these circumstances, I might as well be sentenced to a Death sentence! So I really need to have this serious matter looked into as soon as possible. And I would like to have my Constitutional Rights look at so that I could possibly get a chance to obtain fair rights until my Court Date!

I somehow have deep concern for my Life! So please Help Me, Because I am a Pre-trial Detainee under extreme stress and Depression, Because of the Rising Number of Cases of Covid-19 virus. And there is no way to do Social Distancing in here at all.



Submitted By:

Brooks C. Shady

R. M. Adams

Barbara Freeman - Notary

Brooks Corey Gladney
510 N. Commerce St.
Tupelo MS, 38804
Inmate #4920

INMATE MAIL
LEE COUNTY SHERIFF'S DEPARTMENT
TUPELO, MS



RECEIVED

OCT 07 2020

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

X-RAYED

The United States District Court
Northern District Miss. Office of the Clerk
David Crews 203 Gilmore Dr.
Amory MS, 38821